

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Richmond Division

ePLUS INC., )  
)  
Plaintiff, )  
)  
v. ) Case No. 3:09CV620 (REP)  
)  
LAWSON SOFTWARE, INC., )  
)  
)  
Defendant. )

**DEFENDANT LAWSON SOFTWARE, INC.'S MOTION IN LIMINE NO. 11  
TO EXCLUDE EVIDENCE OF DAMAGES PRIOR TO SUIT**

Defendant Lawson Software, Inc. (“Lawson”), by counsel, moves *in limine* to preclude Plaintiff ePlus, Inc. (“ePlus”) from presenting evidence and argument relating to damages prior to May 19, 2009, the date this suit was filed, on the grounds that ePlus failed to comply with the marking requirement, which bars pre-suit damages for direct infringement under 35 U.S.C. § 287, and on the grounds that Lawson was not aware of the patents before the filing of suit, barring pre-suit damages for indirect infringement. The grounds for this Motion are more fully set forth in Lawson’s Memorandum in support of the Motion, which is filed herewith.

LAWSON SOFTWARE, INC.

By /s/  
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*Counsel for Defendant Lawson Software, Inc.*

**CERTIFICATE OF SERVICE**

I certify that on this 18<sup>th</sup> day of June, 2010, a true copy of the foregoing will be filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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